

AG Contract No. KR95 2137TRN
ADOT ECS File No. JPA 95-170
Project: Temporary Signal
Section: I-19B @ Apache Blvd.
Truck Stop

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF NOGALES

THIS AGREEMENT is entered into 10 January, 1995, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF NOGALES, acting by and through its MAYOR and CITY COUNCIL (the "City").

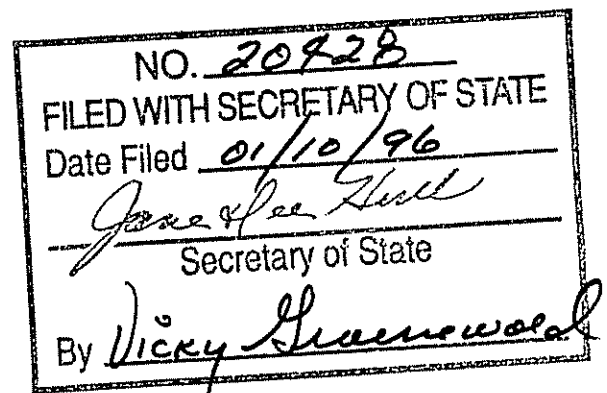
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction, operation and maintenance of a warranted temporary traffic signal at the intersection of I-19B at the Apache Blvd. truck stop, at an estimated cost of \$40,000.00, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:



II. SCOPE OF WORK

1. The City will:

a. Design to State standards a temporary traffic signal at no cost to the State. Construct the temporary signal with its own forces. Upon completion of the signal, provide electrical energy to operate the signal.

b. At such time as a permanent signal is constructed at Frank Reed Road and B-19, participate with the State in a 50/50 cost-sharing agreement and provide electric energy to operate the signal.

2. The State will:

Provide a traffic signal controller and signal construction supervision at no cost to the City.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said signal; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Nogales
City Manager
777 N. Grand Avenue
Nogales, AZ 85621

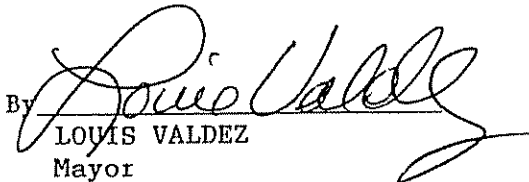
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

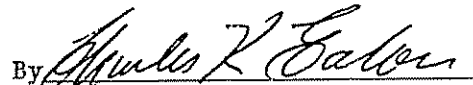
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF NOGALES

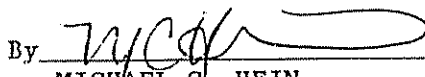
STATE OF ARIZONA

Department of Transportation

By 
LOUIS VALDEZ
Mayor

By 
CHARLES K. EATON
State Traffic Engineer


ATTEST

By 
MICHAEL C. HEIN
City Clerk

RESOLUTION

BE IT RESOLVED on this 11th day of September 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Nogales for the purpose of defining responsibilities for the design, construction and maintenance of a warranted temporary traffic signal on I-19B at the Apache Blvd. truck stop.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



for LARRY S. BONINE
Director

RESOLUTION NO. 95-10-80

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF NOGALES APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION AND THE CITY OF NOGALES FOR COOPERATION IN THE FUNDING FOR A TEMPORARY TRAFFIC SIGNAL ON GRAND AVENUE; AND DECLARING AN EMERGENCY

RECITALS

WHEREAS, the City of Nogales (City) and the State of Arizona (State) acting by and through its Department of Transportation, desire to cooperate in the funding for a temporary traffic signal on Grand Avenue; and

WHEREAS, City is empowered by A.R.S. §48-572 to enter into an intergovernmental agreement by resolution; and

WHEREAS, the state is empowered by A.R.S. §§28-108 and 28-112 to enter into cooperative agreements by resolution; and

WHEREAS, the parties hereto desire to cooperate in the funding for a temporary traffic signal on Grand Avenue, all as is more fully set forth in the attached Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED by the mayor and board of aldermen of the City of Nogales that the mayor be and hereby is authorized to execute the Intergovernmental Agreement, a copy of which is attached hereto and incorporated herein by this reference; and

FURTHER RESOLVED that city staff is directed to do all acts necessary and in accordance with the provisions of said Intergovernmental Agreement.

WHEREAS, the preservation of the public peace, health, and safety of the City of Nogales require that this resolution shall become immediately operative,

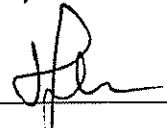
AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this resolution is hereby exempted from the referendum provisions of the Charter of the City of Nogales and shall take effect and be in full force from and after its passage and approval.

APPROVAL OF THE NOGALES CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF NOGALES and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 19th day of Dec, 1995.

O'Connor, Cavanagh, Anderson,
Westover, Killingsworth & Beshears



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Cont99ct No. KR95-2137-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 3rd day of January, 1995.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8957G/112

RESOLUTION NO. 95-10-80

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FURTHER RESOLVED that city staff is directed to do all acts necessary and in accordance with the provisions of said Intergovernmental Agreement.

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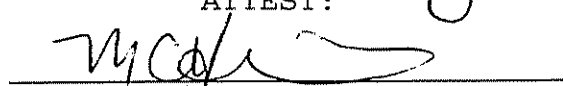
Passed and adopted this 1st day of November 1995.

Approved this 1st day of November 1995.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Westover, Killingsworth & Beshears

O'Connor, Cavanagh, Anderson

By _____



CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 95-10-80, adopted at the regular/special meeting of the City of Nogales Mayor and Council, held on the 1st day of November, 1995.

I further certify that meeting was duly called and held and that a quorum was present.

Dated this 20th day of December, 1995.

A handwritten signature in cursive script, appearing to read "Michael C. Hein".

Michael C. Hein
Assistant Administrator

